APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,157	03/01/2004	David T. Horoschak	BCS03163	1004

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Motorola, Inc.
101 Tournament Drive
Horsham, PA 19044

EXAMINER
DEAN, RAYMOND S

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
11/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 September 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *0907*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments, see remarks filed September 11, 2007 with respect to the

rejection(s) of claim(s) 1, 10 – 11, and 13 under 35 U.S.C. 102(e) have been fully

considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of

newly found reference Shirato (US 7,280,296).

Shirato teaches a selection recognition engine monitoring said radio broadcast

signals for pre-defined recording triggers and selectively recording portions of a radio

broadcast signal, in response to said recording triggers, for playback (Col. 5 lines 4 – 7,

lines 36 – 67, there is a check to see if the broadcast contents, which are the contents

embedded in the broadcast signal, such as artist name and total time interval of the

song match with the label message (LM), if there is a match then recording will take

place). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the system of Dangberg with the above recording feature

of Shirato for the purpose of providing an alternative means for recording audio thus

enabling an efficient recording the desired broadcast contents as taught by Shirato.

Examiner respectfully disagrees with Applicants' assertion on Page 2, 4th

Paragraph "Examiner is misreading it. ... Thus, it is the audio tuner in claim 1, and not

the selection recognition ...". Applicants claim "wherein said selection recognition

engine comprises a frequency detection unit". Applying the broadest reasonable

interpretation to this limitation renders a controller with an inherent knowledge of the

frequency, which is the frequency detection, in order to properly tune the receiver.

Examiner respectfully disagrees with Applicants' assertion on Page 3, 3rd

Paragraph "To the contrary, Dangberg et al. do not teach a notification system or

method ...". Typical MP3 players comprise an indication, audible or visual, to notify a

user that a broadcast portion has been recorded thus these are inherent characteristics.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1 – 7, 9 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Dangberg et al. (US 2002/0173866) in view of Shirato (US 7,280,296)

Regarding Claim 1, Dangberg teaches a system for time shifting radio broadcast

signals, said system comprising: an audio tuner, said audio tuner tuning frequencies for

reception of said radio broadcast signals (Figure 1, Section 0014, receiver (22)); and a

selection recognition engine coupled to said audio tuner, said selection recognition

engine monitoring said radio broadcast signals and selectively recording portions of a

radio broadcast signal for playback at subsequent pre-selected times or intervals

(Section 0020).

Dangberg does not teach said selection recognition engine monitoring said radio

broadcast signals for pre-defined recording triggers and selectively recording portions of a radio broadcast signal, in response to said recording triggers, for playback at subsequent pre-selected times or intervals.

Shirato teaches teach said selection recognition engine monitoring said radio broadcast signals for pre-defined recording triggers and selectively recording portions of a radio broadcast signal, in response to said recording triggers (Col. 5 lines 4 – 7, lines 36 – 67, there is a check to see if the broadcast contents, which are the contents embedded in the broadcast signal, such as artist name and total time interval of the song match with the label message (LM), if there is a match then recording will take place).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Dangberg with the above recording feature of Shirato for the purpose of providing an alternative means for recording audio thus enabling an efficient recording the desired broadcast contents as taught by Shirato.

Regarding Claim 11, Dangberg teaches a method for time shifting radio broadcast signals, said method comprising the steps of: monitoring radio broadcast signals (Section 0020, when the clock time coincides with the time code in the broadcast signal the broadcast information will be recorded); recording at least a portion of a radio broadcast signal (Sections 0014, 0020, the receiver will be tuned to a particular frequency such that the broadcast information can be recorded); and storing a recorded portion of said radio broadcast signal (Section 0011).

Dangberg does not teach monitoring radio broadcast signals for a pre-defined

recording; recording at least a portion of a radio broadcast signal upon an occurrence of said recording trigger at a pre-selected frequency associated with said record trigger

Shirato teaches teach monitoring radio broadcast signals for a pre-defined recording; recording at least a portion of a radio broadcast signal upon an occurrence of said recording trigger at a pre-selected frequency associated with said record trigger (Col. 5 lines 4 – 7, lines 36 – 67, there is a check to see if the broadcast contents, which are the contents embedded in the broadcast signal, such as artist name and total time interval of the song match with the label message (LM), if there is a match then recording will take place).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Dangberg with the above recording feature of Shirato for the purpose of providing an alternative means for recording audio thus enabling an efficient recording the desired broadcast contents as taught by Shirato.

Regarding Claim 2, Dangberg in view of Shirato teaches all of the claimed limitations recited in Claim 1. Dangberg further teaches an audio capture memory coupled to said selection recognition engine, said audio capture memory storing recorded portions of said radio broadcast signal (Section 0014).

Regarding Claim 3, Dangberg in view of Shirato teaches all of the claimed limitations recited in Claim 2. Dangberg teaches wherein said audio capture memory comprises at least one of random access memory, flash memory, a hard drive, optical drive, and optical-magnetic drive (Section 0014).

Regarding Claim 4, Dangberg in view of Shirato teaches all of the claimed

limitations recited in Claim 1. Dangberg further teaches a digital audio player, said

digital audio player providing playback of a digital audio stream (Figure 1, Sections 0008

- 0010, 0014, the digital audio appliance (10) can be an MP3 player).

Regarding Claim 5, Dangberg in view of Shirato teaches all of the claimed

limitations recited in Claim 1. Dangberg further teaches an audio selector, said audio

selector managing an interruption of said current digital audio stream, for playback of a

said recorded portion of said radio broadcast signal, and resumption of said digital audio

stream previously interrupted (Figure 1, Sections 0015, 0017, 0019, only one output can

be connected to the speaker via the decoder thus a user of the MP3 player can: choose

to interrupt, via the input means, the current digital broadcast to listen to a recorded

segment, and stop the playback, via the input means, of the recorded segment to

resume the current digital broadcast).

Regarding Claim 6, Dangberg in view of Shirato teaches all of the claimed

limitations recited in Claim 4. Dangberg further teaches wherein said audio selector

comprises a user interface (Section 0017, input means).

Dangberg further teaches wherein said audio selector comprises random access

memory (Section 0017, microcontrollers and microprocessors comprise memory such

as random access memory).

Regarding Claim 7, Dangberg in view of Shirato teaches all of the claimed

limitations recited in Claim 1. Dangberg further teaches wherein said digital audio

player comprises at least one of a Redbook audio player, MP3 audio player, MPEP4

audio player, and AC-3 audio player (Sections 0008 -0010).

Regarding Claim 9, Dangberg in view of Shirato teaches all of the claimed limitations recited in Claim 1. Dangberg further teaches a frequency detection unit (Section 0017, the controller will know the frequency in order to tune the receiver).

Regarding Claims 10, 13, Dangberg in view of Shirato teaches all of the claimed limitations recited in Claims 1, 11. Shirato further teaches wherein the record trigger comprises at least one of voice recognition, signaling tone, and pre-defined time (Col. 5 lines 4 – 7, lines 36 – 67).

Regarding Claim 12, Dangberg in view of Shirato teaches all of the claimed limitations recited in Claim 11. Dangberg further teaches stopping a current digital audio stream playback in response to the presence of said recorded portion of said radio broadcast signal; playing said recorded portion of said radio broadcast signal; and resuming said digital audio stream previously interrupted (Figure 1, Sections 0015, 0017, 0019, only one output can be connected to the speaker via the decoder thus a user of the MP3 player can: choose to interrupt, via the input means, the current digital broadcast to listen to a recorded segment, and stop the playback, via the input means, of the recorded segment to resume the current digital broadcast).

Regarding Claim 14, Dangberg in view of Shirato teaches all of the claimed limitations recited in Claim 11. Dangberg further teaches where said recording comprising digitally compressing said recorded portion of said radio broadcast signal in at least one of MP3 audio, MPEP4 audio, and AC-3 audio format (Sections 0008 - 0010).

Regarding Claim 15, Dangberg in view of Shirato teaches all of the claimed

limitations recited in Claim 12. Dangberg further teaches stopping said recording of

said radio broadcast signal upon the occurrence of a stop trigger (Section 0020, the

recording of the news will stop once the news broadcast is complete).

Regarding Claim 16, Dangberg in view of Shirato teaches all of the claimed

limitations recited in Claim 15. Dangberg further teaches at least one of a fixed time

after said start of said step of recording, a pre-defined recording stop time, voice

recognition, change in an orators voice, a standardized tone, and standardized event

(Section 0020, the recording of the news will stop once the news broadcast is complete,

said stopping will occur at a fixed time after the start of the recording of the news).

Regarding Claim 17, Dangberg in view of Shirato teaches all of the claimed

limitations recited in Claim 12. Dangberg further teaches the step of notifying when a

recorded portion of a radio broadcast signal has been recorded but not yet played back

(Sections 0008 - 0010, 0020, typical MP3 players comprise an indication, audible or

visual, to notify a user that a broadcast portion has been recorded).

Regarding Claim 18, Dangberg in view of Shirato teaches all of the claimed

limitations recited in Claim 17. Dangberg further teaches an audible indication

(Sections 0008 - 0010, 0020, typical MP3 players comprise an indication, audible or

visible, to notify a user that a broadcast portion has been recorded).

Regarding Claim 19, Dangberg in view of Shirato teaches all of the claimed

limitations recited in Claim 17. Dangberg further teaches a visual indication (Sections

0008 - 0010, 0020, typical MP3 players comprise an indication, audible or visible, to

notify a user that a broadcast portion has been recorded).

Regarding Claim 20, Dangberg in view of Shirato teaches all of the claimed

limitations recited in Claim 12. Dangberg further teaches wherein said step of stopping

said digital audio stream in response to presence of said recorded portion of said radio

broadcast signal occurs in response to a selection input, said selection input

determining when to stop said digital audio stream for playback of said recorded portion

of said radio broadcast signal (Figure 1, Sections 0015, 0017, 0019, only one output

can be connected to the speaker via the decoder thus a user of the MP3 player can:

choose to interrupt, via the input means, the current digital broadcast to listen to a

recorded segment, and stop the playback, via the input means, of the recorded segment

to resume the current digital broadcast).

Regarding Claim 21, Dangberg in view of Shirato teaches all of the claimed

limitations recited in Claim 17. Dangberg further teaches wherein said step of stopping

said digital audio stream in response to presence of said recorded portion of said radio

broadcast signal is in response to a preset default condition (Figure 1, Sections 0015,

0017, 0019).

4.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dangberg

et al. (US 2002/0173866) in view of Shirato (US 7,280,296), as applied to Claim 1

above, and further in view of Hagg (US 2003/0035072).

Regarding Claim 8, Dangberg in view of Shirato teaches all of the claimed

limitations recited in Claim 1. Dangberg does not teach a speech recognition unit.

Hagg teaches a speech recognition unit (Section 0038, the processor can

differentiate between speech and music thus said processor comprises a speech recognition unit).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Dangberg in view of Shirato with the speech recognition unit of Hagg for the purpose of determining the segmentation of an incoming audio stream thus determining the content of the audio stream as taught by Hagg.
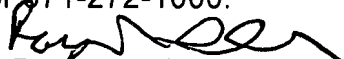
Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S. Dean whose telephone number is 571-272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Raymond S. Dean
November 15, 2007

EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600